

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1197 – HB 1343

March 10, 2015

SUMMARY OF ORIGINAL BILL: Creates a new Class D felony for reckless endangerment when the victim is under eight years of age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$376,000 Highest Projected Cost of Next 10 Years/Incarceration*

SUMMARY OF AMENDMENT (003915): Deletes Section 1 of the bill.

Creates a new Class D felony for reckless endangerment when committed by a parent, relative, guardian, or person having the duty of caring for a child who permits or fails to adequately and safely supervise, or who is unaware of the whereabouts of, a child eight years of age or less.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$98,400 Highest Projected Cost of Next 10 Years/Incarceration*

Assumptions for the bill as amended:

- Under current law, reckless endangerment is a Class A misdemeanor unless committed with a deadly weapon (Class E felony); by discharging a firearm into an occupied habitation (Class C felony); or by discharging a firearm into an unoccupied habitation (Class D felony).
- The bill creates a Class D felony when the victim is less than eight years of age and the offense is committed by a parent, relative, or guardian.
- Statistics from the Administrative Office of the Courts (AOC) show that there has been an average of 98.2 convictions per year for misdemeanor reckless endangerment over the last five years.
- It is assumed that two percent ($98.2 \times 0.02 = 1.96$) of these admissions involve a victim under the age of eight.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.

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- It is assumed that the average offender will serve the same time as an average Class D felony, 2.04 years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders serving an additional 2.04 years (745.11 days) for a total of \$49,200 (\$66.03 x 745.11 days). The cost for six offenders is \$98,400 (\$49,200 x 6).
- The bill will generate only two felony cases per year statewide. Any impact to the caseloads of the AOC, District Attorneys General Conference, or the District Public Defenders Conference can be accommodated within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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